

ELECTRONICALLY FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JANES DOE S.W.,

Civil Action: 2:19-cv-1194

Plaintiff,
v.

Chief Judge Algenon L. Marbley
Chief Magistrate Judge Elizabeth P. Deavers

LORAIN-ELYRIA MOTEL, INC., et al.,
Defendants

**ANSWER OF DEFENDANT BEST
WESTERN INTERNATIONAL, INC.**

Jury Demand Endorsed Herein

Come now the Defendant, Best Western International, Inc., by and through counsel, and hereby state as follows for its Answer to Plaintiff's Complaint.

INTRODUCTION

1. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph.

2. Defendant denies the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph for lack of knowledge.

4. Defendant denies the allegations contained in Paragraph 4 of Plaintiff's Complaint for lack of knowledge.

5. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 5.

6. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 6 of Plaintiff's Complaint.

JURISDICTION AND VENUE

7. Defendant denies the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. Defendant denies the allegations contained in Paragraph 8 of Plaintiff's Complaint for lack of knowledge.

PARTIES

9. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs.

10. Defendant denies the allegations contained in Paragraph 10 of Plaintiff's Complaint for lack of knowledge.

11. Defendant denies the allegations contained in Paragraph 11 of Plaintiff's Complaint for lack of knowledge.

12. Defendant admits that it may be served with process through its registered agent, but denies the remaining allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. Defendant denies the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

15. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

16. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

17. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

ALLEGATIONS

I. THE HOSPITALITY INDUSTRY'S PARTICIPATION IN THE NATIONAL SEX TRAFFICKING EPIDEMIC

18. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs.

19. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

20. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

21. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

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23. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

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27. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

28. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

29. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

30. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

31. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

32. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

33. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

34. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

35. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph,

36. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

37. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

38. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

39. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

40. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

41. This paragraph contains no allegations against Defendant, thus no response is required.

42. This paragraph contains no allegations against Defendant, thus no response is required.

43. This paragraph contains no allegations against Defendant, thus no response is required.

44. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph,

45. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph,

46. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph,

47. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

48. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

II. THE SEX TRAFFICKING OF JANE DOE S.W.

49. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs.

50. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

51. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

52. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

53. Defendant denies the allegations contained in Paragraph 53 of Plaintiff's Complaint for lack of knowledge.

54. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

55. This paragraph contains a legal conclusion to which no response is required. To the extent the Court considers a response is required, Defendant denies any allegations in this paragraph against this Defendant.

56. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

57. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

III. BEST WESTERN'S WILLFUL BLINDNESS TO HUMAN TRAFFICKING AT ITS HOTELS AND PROPERTIES

58. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs and denies any allegations in the title for Section III of this Complaint.

59. Defendant denies the allegations contained in Paragraph 59 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

60. Defendant denies the allegations contained in Paragraph 60 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

61. Defendant denies the allegations contained in Paragraph 61 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

62. Defendant denies the allegations contained in Paragraph 62 of Plaintiff's Complaint.

63. Defendant denies the allegations contained in Paragraph 63 of Plaintiff's Complaint.

64. Defendant denies the allegations contained in Paragraph 64 of Plaintiff's Complaint.

65. Defendant denies the allegations contained in Paragraph 65 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

66. Defendant denies the allegations contained in Paragraph 66 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

67. Defendant denies the allegations contained in Paragraph 67 of Plaintiff's Complaint.

68. Defendant denies the allegations contained in Paragraph 68 of Plaintiff's Complaint for lack of knowledge.

69. Defendant denies the allegations contained in Paragraph 69 of Plaintiff's Complaint for lack of knowledge.

70. Defendant denies the allegations contained in Paragraph 70 of Plaintiff's Complaint for lack of knowledge.

71. Defendant denies the allegations contained in Paragraph 71 of Plaintiff's Complaint for lack of knowledge.

72. Defendant denies the allegations contained in Paragraph 72 of Plaintiff's Complaint for lack of knowledge.

73. Defendant denies the allegations contained in Paragraph 73 of Plaintiff's Complaint for lack of knowledge.

74. Defendant denies the allegations contained in Paragraph 74 of Plaintiff's Complaint for lack of knowledge.

75. Defendant denies the allegations contained in Paragraph 75 of Plaintiff's Complaint for lack of knowledge.

76. Defendant denies the allegations contained in Paragraph 76 of Plaintiff's Complaint.

77. Defendant denies the allegations contained in Paragraph 77 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

78. Defendant denies the allegations contained in Paragraph 78 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

79. Defendant denies the allegations contained in Paragraph 79 of Plaintiff's Complaint. Further, much of this paragraph is a legal conclusion to which no response is required.

IV. MOTEL 9'S WILLFUL BLINDNESS TO HUMAN TRAFFICKING AT ITS HOTELS AND PROPERTIES

80. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs and denies any allegations in the title for Section IV of this Complaint for lack of knowledge.

81. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

82. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

83. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

V. ECONOMY INN'S WILLFUL BLINDNESS TO HUMAN TRAFFICKING AT ITS HOTELS AND PROPERTIES

84. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs and denies the allegations in this title for Section V of this Complaint for lack of knowledge.

85. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

86. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge.

85. This paragraph contains no allegations against Defendant, thus no response is required. To the extent the Court considers a response is required, Defendant denies the allegations in this paragraph, for lack of knowledge. Defendant notes Plaintiff's Complaint is incorrectly numbered and this allegation is identified as Paragraph 85 rather than 87. The remaining paragraphs in Plaintiff's Complaint remain incorrectly numbered.

CAUSE OF ACTION

COUNT ONE

VIOLATION OF THE TVPRA, 18 U.S.C. §1595

(Against all Defendants)

86. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs.

87. Defendant denies the allegations contained in Paragraph 87 of Plaintiff's Complaint for lack of knowledge.

88. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 88 of Plaintiff's Complaint.

89. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 89 of Plaintiff's Complaint.

90. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 90 of Plaintiff's Complaint.

COUNT TWO
NEGLIGENCE
(Against all Defendants)

91. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs.

92. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 92 of Plaintiff's Complaint.

93. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 93 of Plaintiff's Complaint.

94. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 94 of Plaintiff's Complaint.

95. Defendant denies the allegations contained in Paragraph 95 of Plaintiff's Complaint.

96. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 96 of Plaintiff's Complaint.

97. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 97 of Plaintiff's Complaint.

98. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 98 of Plaintiff's Complaint for lack of knowledge.

99. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 99 of Plaintiff's Complaint for lack of knowledge.

100. Defendant denies the allegations contained in Paragraph 100 of Plaintiff's Complaint for lack of knowledge.

101. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 101 of Plaintiff's Complaint.

COUNT THREE
NEGLIGENCE – PREMISES LIABILITY
(Against all Defendants)

102. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs.

103. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 103 of Plaintiff's Complaint.

104. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 104 of Plaintiff's Complaint.

105. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 105 of Plaintiff's Complaint.

106. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 106 of Plaintiff's Complaint.

107. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 107 of Plaintiff's Complaint.

108. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 108 of Plaintiff's Complaint.

109. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 109 of Plaintiff's Complaint.

110. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 110 of Plaintiff's Complaint for lack of knowledge.

111. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 111 of Plaintiff's Complaint.

COUNT FOUR
UNJUST ENRICHMENT
(Against all Defendants)

112. Defendant reinstates and reincorporates by reference its responses contained in the preceding paragraphs.

113. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 113 of Plaintiff's Complaint.

114. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 114 of Plaintiff's Complaint.

115. Much of this paragraph is a legal conclusion to which no response is required. As to any factual allegation in this paragraph and as to this Defendant, Defendant denies the allegations contained in Paragraph 115 of Plaintiff's Complaint.

AFFIRMATIVE AND OTHER DEFENSES

1. Plaintiff's claims are barred in whole or in part by the applicable statute of limitations and/or repose.

2. Plaintiff's claims, in whole or in part, fail to state a claim upon which relief may

be granted.

3. Plaintiff has failed to join all necessary and indispensable parties including those with subrogation interests for having paid medical bills, for just adjudication.

4. Plaintiff's injuries and damages, if any, which injuries and damages are specifically denied, were caused by persons, firms, corporations or entities other than Defendant.

5. Plaintiff's injuries and damages, if any, which injuries and damages are specifically denied, were caused by persons, firms, corporations or entities over whom this answering Defendant had and/or could have had no control.

6. To the extent that Plaintiff's medical bills, lost wages or other damages have been paid by another party, Plaintiff is not the real party in interest.

7. Plaintiff's claims, causes of action and damages, if any, are the direct and proximate result of unforeseeable conduct for which Defendant is not liable.

8. This Court lacks personal jurisdiction.

9. The damages sought by Plaintiff are attributable to one or more persons from whom Plaintiffs do not seek recovery in this action.

10. Plaintiff's claims are barred in whole or in part by the doctrines of waiver, estoppel, laches or by the applicable statute of limitations.

11. Defendant asserts that Plaintiff's claims should be barred as there has been a failure or failures of a condition precedent for her to assert and/or maintain any action under the statutes and theories she presents in her Complaint.

12. Defendant asserts the affirmative defense of illegality.

13. Defendant asserts the affirmative defense of fraud and misrepresentation.

14. Defendant specifically denies that they were engaged, individually and/or

collectively in any venture (joint or otherwise) which directly or indirectly violated any statutory or other rights of Plaintiff as alleged in the Complaint, thus all allegations and counts based upon such theories should be dismissed.

15. Defendant specifically denies that they knowingly or reckless disregarded, aided, abetted or were aware of any alleged means of force, threats of force, fraud, and/or coercion toward Plaintiff or in violation of any statutory or other rights of the Plaintiff as alleged in the Complaint, thus all allegations and counts based upon such theories should be dismissed.

16. Defendant specifically denies that they knowingly adopted or ratified any alleged means of force, threats of force, fraud and/or coercion towards Plaintiff or in violation of any statutory or other rights of the Plaintiff as alleged in Plaintiff's Complaint, thus all allegations and counts based upon such theories should be dismissed.

17. Defendant denies that it knowingly or unknowingly aided, abetted or participated in a joint venture with any other party or person regarding the allegation in Plaintiff's Complaint.

18. Defendant did not have knowledge, actual, implied, constructive or otherwise, of an was not in a position to have knowledge of the activity, actions, and conduct made the subject of Plaintiff's allegations and as such was unable to intervene, address, report and or/prevent the same.

19. Defendant affirmatively alleges, in the alternative, that Plaintiff lack a reasonable good faith basis to bring this claim, thereby entitling it to an award of attorney's fees and costs.

20. Defendant states that Plaintiff is not entitled to either punitive damages and/or attorney's fees.

21. Defendant reserves the right to assert additional affirmative and other defenses as they become known during the course of discovery.

22. Defendant did not have actual, implied or constructive knowledge of Plaintiff's circumstances and/or the conduct or activities of Plaintiff's alleged tracker and, as a result, was unable to intervene, address, or report any allegations.

WHEREFORE, Defendant Best Western International, Inc. respectfully requests that Plaintiff's Complaint be dismissed with prejudice, for the costs expended herein including reasonable attorneys' fees, for trial by jury, and for any and all other relief to which Defendant may be entitled.

JURY DEMAND

Defendant Best Western International, Inc. requests a trial by jury on all issues raised in Plaintiff's Complaint.

Respectfully submitted,

/s/ Judd R. Uhl

Judd R. Uhl (0071370)
Aimee E. Muller (0095352)
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Fax: (513) 808-9912
Attorney for Defendant
Best Western International, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 30th, 2020 a copy of the foregoing has been sent to counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Judd R. Uhl

Judd R. Uhl (0071370)